

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

W.P.(C).No. 30502 of 2007(F)

PETITIONER:

**THAJMAL KHAN, S/O ABDUL JABBAR,
NOORJAHAN MANZIL, ATHIMANI,
VANDITHVALAM, PALAKKAD DISTRICT.**

BY ADV. SRI.SAJEEV KUMAR K.GOPAL

RESPONDENTS:

- 1. THE REGIONAL TRANSPORT AUTHORITY,
PALAKKAD, REPRESENTED BY ITS SECRETARY.**
- 2. THE SECRETARY, R.T.A. PALAKKAD.**
- 3. SRI. P.RAMACHANDRA MENON,
S/O PADMANABHAN NAIR, 15/3, SRUTHILAYAM,
ABHINAV NAGAR, NEAR VICTORIA COLLEGE,
PALAKKAD.**

BY ADV. SRI.I.DINESH MENON

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
19/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

A P P E N D I X

PETITIONER'S EXHIBITS

- EXT.P1: ROUGH SKETCH OF THE ROUTE CHEPPADAM-VARANI**
- EXT.P2: TRUE COPY OF THE DECISION OF THE 1ST RESPONDENT AT ITS
MEETING HELD ON 17.01.2007 IN ITEM NO.S.8**
- EXT.P3: TRUE COPY OF THE NOTIFICATION NO.2951/B1/01/TRAN.
DATED 09.05.2007**
- EXT.P4: TRUE COPY OF THE REPRESENTATION DATED 13.09.2007
SUBMITTED BY THE PETITIONER BEFORE THE 1ST
RESPONDENT.**
- EXT.P5: TRUE COPY OF THE JUDGMENT DATED 18.08.2007 IN W.A.
NO.1842/2007**

//TRUE COPY//

ANTONY DOMINIC, J.
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W.P.(C) NO. 30502 OF 2007 F
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Dated this the 19th day of November, 2007

J U D G M E N T

Petitioner and the 3rd respondent are rival operators of stage carriage vehicles. The prayer sought for in this writ petition is to direct the 1st respondent to consider Ext.P4 representation submitted against Ext.P2 grant of regular permit. By Ext.P2 dated 17/1/07, regular permit was granted to the 3rd respondent subject to settlement of timings. Subsequently, on the strength of Ext.P3 notification dated 9th of May 2007, the petitioner submitted Ext.P4 representation before the 1st respondent requiring reconsideration of Ext.P2. Petitioner makes reference to Ext.P5 judgment of a Division Bench of this court in WA 1842/07 and submits that in an identical factual circumstance, similar relief has been granted by a Division Bench in that judgment.

2. I have heard the counsel for the petitioner and also the 3rd respondent.

3. It is beyond controversy that a review petition as RP 885/07 is pending before the Division Bench seeking review of

Ext.P5 judgment. It is also undisputed that a Full Bench of this Court has in the judgment reported in **Binu Chacko v. RTA, Pathanamthitta (2006(2) KLT 172)** held that an existing operator has no locus standi to challenge the grant of permit.

4. If that be so, I fail to see how the petitioner can maintain Ext.P4 representation. If for challenging a permit a person lacks locus standi, the same person will also lack locus standi to file a representation to the RTA, requesting to review its decision to grant permit. Even otherwise, Ext.P4 has no statutory backing to require its consideration at the hands of this court exercising writ jurisdiction.

Writ petition fails and is dismissed.

ANTONY DOMINIC, JUDGE.

Rp